

<b>Public Policy Committee Meeting Minutes</b>	<b>Tab 17</b>
<p><b><u>Background:</u></b></p> <p>Minutes of the August 6, 2015, Public Policy Committee meeting are included for your review.</p>	
<p><b><u>Public Policy Committee</u></b></p> <p><b><u>Agenda Item 3.</u></b></p>	<p><b><u>Expected Action:</u></b></p> <p>The Committee will review, revise as appropriate, and approve.</p>

**PUBLIC POLICY COMMITTEE MEETING  
DRAFT MINUTES  
AUGUST 6, 2015**

**COMMITTEE MEMBERS PRESENT**

Lora Taylor, Chair  
Kristen Cox  
Elaine Eisenbaum, UT-CDS  
Penny Larkin, DADS

Michael Peace  
Brandon Pharris  
Ruth Mason  
Jeff Miller, DRT

April Young, HHSC  
Dan Zhang, TAMU-UCED

**STAFF PRESENT**

Belinda Carlton  
Ashley Ford

Linda Logan  
Jessica Ramos

**GUESTS PRESENT**

Darryl Powell  
Amy Sharp, TAMU-UCEDD  
Donnie Wilson, DADS

**CALL TO ORDER**

The Public Policy Committee convened on Thursday, August 6, 2015, in the Chautauqua A Room at the Embassy Suites San Marcos, San Marcos, Texas 78666. Public Policy Committee Chair Lora Taylor called those present to order at 2:00 p.m.

**1. INTRODUCTIONS**

Committee Chair Taylor asked the Committee members and staff to introduce themselves, and share a special moment experienced since the last Committee meeting. Dan Zhang was present as the newly designated representative from the Center for Disability Studies at Texas A&M University (TAMU-UCEDD). Donnie Wilson was present as the newly designated alternate representative of the Department of Aging and Disability Services (DADS), however, as he has not been through orientation, Wilson is not yet eligible to vote on Committee actions.

**2. PUBLIC COMMENTS**

No public comments were offered to the committee.

**3. CONSIDERATION OF MINUTES**

The Committee reviewed the minutes from the May 7, 2015, Public Policy Committee meeting. It was noted that on page two, the legislation permitting access to cannabidiol (CBD) for people with intractable seizures was SB 339, not SB 309 as stated in the draft minutes under consideration.

**MOTION:** To approve the minutes of the May 7, 2015, Public Policy Committee meeting, as revised.

**MADE BY:** Brandon Pharris

**SECOND:** Michael Peace

The motion **passed** unanimously.

#### **4. CHAIR'S REMARKS**

Chair Taylor provided remarks on the annual 2015 National Association of Councils on Developmental Disabilities (NACDD) Conference she attended with fellow Committee member Michael Peace. Taylor stressed the importance of Committee members using their voices and being heard during Committee meetings and encouraged discourse for the sake of developing a powerful public policy voice. Taylor reminded members that only the Executive Director and Council Chair can publically represent and/or speak on behalf of TCDD; all others must receive prior authorization from the Executive Director or the Council Chair to do so. Taylor stressed that this is especially important during members' personal advocacy efforts. Taylor reminded members to fully disclose all involvements in their Conflict of Interest Forms for the sake of transparency and potential liability.

Taylor informed the Committee that CBD oil registration for providers and consumers will begin in December. Taylor gave an update on HB 1317 regarding van accessible parking which was amended to require the Governor's Committee on People with Disabilities (GCPD) to seek stakeholder input for their accessible parking and transportation issues study.

#### **5. MEMBER UPDATES**

Committee member Michael Peace provided a report regarding his experiences at the NACDD Conference. During the conference Peace discovered diverse and traditionally unrelated civil rights organizations are partnering with other state councils to advocate for people with disabilities.

Public Policy Specialist Linda Logan provided a report of her experiences at the 2015 Texas Autism Research Conference. Logan updated the Committee on a research study's findings on autism detection in infants and the Gateway Academy in Houston, which provides services to students with social and academic challenges through innovative approaches.

#### **6. PUBLIC POLICY ISSUES**

Public Policy staff provided updates on state legislation, State Supported Living Centers (SSLCs), and federal policy issues. Public Policy Director Jessica Ramos referenced binder materials and handouts. Taylor thanked staff for the information provided and stressed the importance of thanking legislators and legislative staffers who worked to improve the lives of people with disabilities during session.

##### **A. State Policy Issues**

Public Policy staff provided updates on recent public policy activities including the implementation of legislation and the budget adopted by the 84th Texas Legislature. Discussion topics included guardianship reform and supported decision-making, day habilitation, and Community First Choice.

##### **I. Guardianship Reform and Supported Decision-Making**

Ramos referenced the guardianship reform article written by Tom Suehs as a guest editor in the Austin American-Statesman. Public Policy Specialist Belinda Carlton informed members that future media coverage on the topic is being discussed to increase public awareness. Ramos reminded members that guardianship reform and supported decision-making was an emerging issue that staff were able to address because the State Plan offers the flexibility to do so.

## **II. Day Habilitation**

Ramos provided follow up information in reference to an inquiry from the last Committee meeting about whether Home and Community-based Services (HCS) Waiver participants are required to attend day habilitation. In short, day habilitation is not required for any DADS program participant. Further clarification was provided in a binder document. Ramos thanked Committee member Penny Larkin, DADS, for her work in developing the information provided.

Ramos discussed the status of day habilitation redesign in light of the fact that the DADS Sunset bill (SB 204) failed to pass. Ramos stressed the importance of the upcoming changes to day habilitation in the state and identified avenues for addressing it. Wilson informed the Committee that, although current providers are unknown and untracked, a list of day habilitation sites will be required to be maintained for waiver provider contract compliance. Ramos explained that day habilitation centers do not have a direct relationship with the state; they are subcontractors with private providers. In addition, Ramos explained the randomized contract survey process that providers are subject to which serves as an oversight function.

Committee members discussed the low reimbursement rate for day habilitation services and noted that low-quality supports are the result. It was also noted that a structural rate issue affects providers' ability to adequately support waiver participants within their community during the daytime due to a hole formed by waiver program funding. This raised concerns that once waiver participants begin a more self-directed and person-centered individualized plan for their day, providers will struggle to keep up.

The Home and Community Based (HCBS) Settings Rule will require a redesign for how day habilitation services are provided in order to bring the state into federal compliance. Waiver participants, providers and service coordinators will likely need to re-imagine meaningful day activities on an individualized basis. To that end, Committee members stressed the significance of creating a realistic and working transition plan with high expectations to achieve true community integration. Council Vice Chair Kristen Cox added that the role of schools in defining possibilities for students with disabilities and setting high expectations is also critical. Sharp was asked to share research she mentioned that reveals the trajectory of a student's success in school with and without a disability, highlighting the age at which expectations and performance permanently plummet.

Ramos reported on the recent use of Yelp to find reviews and information about medical providers. Committee members shared their thoughts on consumers using a Yelp-like platform to access objective measures, like the Quality Reporting System data, to assess providers in addition to offering meaningful examples of successful providers, medical professionals, and/or day habilitation centers for stakeholders' reference to improve outcomes. One member recommended that anonymity would be desirable on such a site. One member stated that companies have been known to stack the deck in their favor. Another member voiced concern that users might be more quick or willing to give negative reviews from bad experiences and used "the squeaky wheel gets the grease" to convey her idea. Ramos offered that it could be beneficial for people to see what their friends' experiences were since the site also connects you to your own network.

### **III. Community First Choice (CFC)**

Ramos provided an update on CFC program implementation and referenced the binder material addressing frequently asked questions regarding CFC. Ramos explained that CFC was implemented June 1, but public outreach has been limited to prevent overextending the program. Ramos informed the Committee that local authorities are contacting people on the interest list to inform them of their eligibility for CFC.

Committee member April Young provided agency data with specific enrollment numbers. Young explained that misinformation has kept many families from enrolling in CFC. Cox discussed that the materials mailed to waiver participants uses language that suggests enrollment is required. Ramos agreed to follow-up with Cox regarding the language being used on mailed materials.

Ramos referenced the System Improvement Recommendations and asked the Committee to review the recommendations and provide additions, corrections, suggestions, and questions to address at the next meeting.

### **B. State Supported Living Centers (SSLCs)**

Ramos provided an update on SSLCs and research conducted relating to families who choose SSLC admission over other alternatives for their children. Ramos referenced the SSLC article provided in the binder materials and reported on the American Association on Intellectual and Developmental Disabilities Conference she attended. Ramos highlighted research data presented on familial characteristics of SSLCs' child residents including indicators such as familial expectations, cultural differences, and identified necessary supports for continued home living. Ramos stated she would provide additional information about the effects of institutionalization on developing children and policy recommendations to improve the outcomes of children with disabilities whose parents choose SSLC admission over other alternatives.

Mason recommended Committee members read the Department of Justice SSLC Monitoring Reports and discussed the common needs of families considering admitting their children to SSLCs. Ramos noted that the most recent monitoring reports for Austin SSLC provides limited data because of the expectation of its closure. Wilson stated that the new version of monitoring reports provides more specific outcome metrics than previous narrative-based monitoring reports.

**MOTION:** To recommend TCDD staff to plan a presentation on the admission of children to SSLCs.

**MADE BY:** Brandon Pharris

**SECOND:** Michael Peace

The motion **passed** unanimously.

### **C. Federal Policy Issues**

Staff provided updates on federal policy issues including the Supreme Court decision relating to the Fair Housing Act and Keeping All Students Safe Act. Carlton referenced the Texas Houser's article regarding the impact of the Fair Housing Act decision made by the Supreme Court and described discrimination affecting people with disabilities using housing vouchers. Carlton stressed the importance of organizing efforts to combat disparate impacts against Texans with disabilities.

## **7. BULLYING IN THE WORKPLACE**

Committee member Brandon Pharris explained his interest in improving workplace conditions for people with disabilities including legal protection from bullying and harassment. Logan informed Pharris and Committee members about existing protections for all people under current statute and noted the absence in federal statute dealing specifically with workplace bullying for adults and/or people with disabilities. Logan explained that the Americans with Disabilities Act should protect workers with disabilities from workplace harassment because such individuals are considered a protected class. However, Logan referenced the book Disability Harassment and stated that when harassment cases are brought to court, the court often tends to side with the plaintiff and countersuits for damages caused by the complainant follow. Logan referenced HB 3226 (2015) by Representative Garnet Coleman regarding increased workplace-bullying protections and criminal liability of the harasser, which failed to pass.

Ramos stated that TCDD staff developed five recommendations on ways to address bullying in the workplace and explained each of the five, which included: emphasizing bullying in the workplace during the October National Disability Employment Awareness Month (NDEAM) on social media; sharing the issue with fellow advocates while being mindful of including references to the issue in formal and informal TCDD public input; adding a reference to bullying in the workplace in the TCDD Employment Position Statement under review in 2016; following the refile of HB 3226 during the 2017 Texas Legislative Session; and supporting Pharris with his anti-bullying advocacy efforts during the 2017 session.

Guest Darryl Powell recommended producing a public service announcement to bring additional attention to the issue. A subsequent recommendation was made related to educating workers with disabilities so that they can better recognize bullying in the workplace. It was recommended that Pharris present the idea to the Project Development Committee next quarter when Communications Coordinator Joshua Ryf is available for the discussion.

## **8. PUBLIC INFORMATION REPORT**

Ramos provided the Public Information report about recent public information activities including social media, the Understanding Employment Options and Supports RFP announcement, and materials requests.

## **ADJOURN**

There being no further business, Committee Chair Taylor adjourned the meeting at 4:30 p.m.

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Beth Stalvey  
Secretary to the Council

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Date